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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,972	11/19/2003	David L. Allen	TEL 001 P2 CI-5	7572

7590 08/02/2004

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EXAMINER

CHAN, WING F

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 08/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/716,972	Applicant(s) ALLEN ET AL.	
	Examiner Wing F. Chan	Art Unit 2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 49-87 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 49-87 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/12/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

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1. This office action This Office action is responsive to the preliminary amendment filed 2/12/2004. As directed by the preliminary amendment claims 1-48 were canceled, new claims 49-87 were added. Thus, claims 49-87 are presently pending in this application.

2. Claims 56, 74 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The plurality of walls are already in parent claim 49, thus these two claims failed to further limit the subject matter of a previous claim.

3. Claim 66 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 67. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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5. Claims 54, 58, 60, 63, 72, 76, 78, 81 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As to claims 54, 72, the specification on page 10 line 6 only disclose a ceiling "height of about 8 feet, 6 inches", which is different from and does not provide written description of "a height of less than about 8 feet, 6 inches" as is now claimed.

As to claims 58, 76, the specification does not provide any written description that the walls define a non-rectangular polygonal shape.

As to claims 60, 78, the specification does not provide any written description that the walls comprise different widths.

As to claims 63, 81, the specification on page 22 line 24 only disclose the distance is "about 5 feet, 6 inches", which is different from and does not provide written description of "at least 5 feet, 6 inches" as is now claimed.

Therefore, the specification fails to provide an adequate written description for the limitations as set forth in claims 54, 58, 60, 72, 76, 78 as is now claimed.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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7. Claims 84-86 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 84, line 6 "said plurality of chairs" lacks clear antecedent basis.

As to claim 85, line 5 "said plurality of chairs" lacks clear antecedent basis.

As to claim 86, line 5 "said plurality of chairs" lacks clear antecedent basis.

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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10. Claims 49-64, 82-87 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fields (US PAT. NO. 4,400,724) in view of Baloga et al (US PAT. NO. 5,282,341 hereinafter Baloga).

Regarding claims 49, 51, 52, 56, 64, 82-86, Fields discloses a method for providing a conference suite in a room, comprising providing a plurality of walls (e.g. see Fig. 12), at least one of the walls having a display associated therewith, assembling the walls within the room, and situating audio-visual components in the suite so that a video conference may be conducted. Note Fields Figs. 11, 12, col. 11 lines 7 to col. 12 line 53 for example. Fields in col. 11 lines 56-58 discloses the "wall 264 having a plurality of angularly related panels 266, 268, 270, 272, and 274 which are connected by pleasing arcuate corners', emphasis added by the Examiner. Fields differs from the claimed invention in not explicitly disclosing the connected walls are of modular component construction.

It is common knowledge that conventional built-in conference rooms are typically expensive to build and maintain, and are usually inefficient in its use of space, and the users are seldom close to the conference room, for example see Baloga col. 1 lines 56 to col. 2 line 2. Baloga discloses using mobile, modular units to provide for private and conference activities to overcome the aforementioned problems associated with conventional conference rooms, for example see col. 4 lines 14-68; col. 14 lines 30-65. Thus, it would have been obvious, if not inherent in Fields, to one of ordinary skill in the art at the time the invention was made to modify the walls in Fields to be modular in order to connect the walls together to form the conference suite and to overcome the

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various problems (i.e. expensive to build and maintain, and are usually inefficient in its use of space, and the users are seldom close to the conference room) associated with conventional conference rooms.

As to claim 50, to provide decorations to the conference suite with a plurality of furnishings is deemed obvious since the chairs, tables, pictures, etc. provide within a suite are decorations.

As to claim 53, to use the recited materials to fabricate the walls would have been obvious to one of ordinary skill in the art at the time the invention was made since these recited materials are all well known construction materials.

As to claims 54, 55, the particular dimensions of the conference suite is deemed an obvious design choice based on the needs or resources of the space available to the participants, company, etc., it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

As to claim 57, it is common knowledge for a room, suite to comprise a ceiling to afford the occupants privacy, thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a ceiling in Fields as modified by Baloga. Furthermore, to further provide a dropped or sunken ceilings would have been further obvious to one of ordinary skill in the art at the time the invention was made since it is more aesthetically pleasing than a flat ceiling. Also, it is deemed an obvious design choice based the likings of the users.

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As to claims 58, 59, note that the walls as shown in Fields are non-rectangular polygonal shapes. Furthermore, the shape of the suite or room is not patentable; a change in shape of the room would have been obvious to one having ordinary skill in the art at the time the invention was made to, since a mere change in shape or form involves only routine skill in the art. In re Dailey, 149 USPQ 47 (CCPA 1976).

As to claim 60, a change in size of the walls are not patentable, since a mere change in size involves only routine skill in the art. In re Rose, 105 USPQ 237 (CCPA 1955).

As to claims 61-63, to situate the participants at a predetermined distance of at least 5 feet, 6 inches from the walls would have been obvious to one of ordinary skill in the art at the time the invention was made to ensure a clear image is pickup by the camera, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 105 USPQ 233.

As to claim 87, it is common knowledge for a room, suite to comprise a ceiling to afford the occupants privacy, thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a ceiling in Fields as modified by Baloga.

11. Claims 65-81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fields as modified by Baloga as applied to claims 49 above, and further in view of Nitta.

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As to claims 66, 67, 74, Nitta teaches the conference system is for education, business, etc. and that the conference environment includes that of simulated classrooms. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the conference suite in Fields as modified by Baloga to comprise a classroom, business setting, education/seminar setting, etc. as such settings would still yield the same conference function without departing from the scope thereof.

As to claim 65, to provide decorations to the conference suite with a plurality of furnishings is deemed obvious since the chairs, tables, pictures, etc. provide within a suite are decorations, also Nitta teaches that the conference environment can take non various settings, thus, it would have been further obvious to one of ordinary skill in the art at the time the invention was made to modify the conference suite in Fields as modified by Baloga to comprise a pillar decoration, wall decoration to enhance the ambiance or look of the suite. Furthermore, it is deemed an obvious design choice to the decorating taste, liking of the user.

As to claims 68-70, to provide decorations to the conference suite with a plurality of furnishings is deemed obvious since the chairs, tables, pictures, etc. provide within a suite are decorations.

As to claim 71, to use the recited materials to fabricate the walls would have been obvious to one of ordinary skill in the art at the time the invention was made since these recited materials are all well known construction materials.

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As to claims 72, 73, the particular dimensions of the conference suite is deemed an obvious design choice based on the needs or resources of the space available to the participants, company, etc., it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

As to claim 75, it is common knowledge for a room, suite to comprise a ceiling to afford the occupants privacy, thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a ceiling in Fields as modified by Baloga. Furthermore, to further provide a dropped or sunken ceilings would have been further obvious to one of ordinary skill in the art at the time the invention was made since it is more aesthetically pleasing than a flat ceiling. Also, it is deemed an obvious design choice based the likings of the users.

As to claims 76, 77, note that the walls as shown in Fields are non-rectangular polygonal shapes. Furthermore, the shape of the suite or room is not patentable; a change in shape of the room would have been obvious to one having ordinary skill in the art at the time the invention was made to, since a mere change in shape or form involves only routine skill in the art. *In re Dailey*, 149 USPQ 47 (CCPA 1976).

As to claim 78, a change in size of the walls are not patentable, since a mere change in size involves only routine skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

As to claims 79-81, to situate the participants at a predetermined distance of at least 5 feet, 6 inches from the walls would have been obvious to one of ordinary skill in

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the art at the time the invention was made to ensure a clear image is pickup by the camera, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 105 USPQ 233.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Greer et al (US PAT. NO. 5,784,843), Cornberg (US PAT. NO. 3,233,346), Walker (US PAT. NO. 4,845,636), Bollman (US PAT. NO. 4,986,194), Lee (US PAT. NO. 5,016,405), Riedinger et al (US PAT. NO. 5,024,398), Gresham et al (US PAT. NO. 5,352,033), Richgels (US PAT. NO. Des 252,635), Kramer (US PAT. NO. 3,869,992), Burns (US PAT. NO. 5,406,893), Hamilton et al (US PAT. NO. 5,393,964).

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Examiner W. F. Chan** whose telephone number is 703-305-4732.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached at 703-305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is 703-305-3900.



WING F. CHAN
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WFC